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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
DARNELE NELSON,  
  
Defendant.

Case No: 2:20-cr-00195-APG-EJY

**Stipulation to Continue  
Deadline for Government's Response to  
Defendant's Motion to Dismiss Indictment  
(ECF 28) and Motion to Suppress (ECF 29).**  
  
(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between CHRISTOPHER CHIOU, Acting United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for Defendant DARNELE NELSON, that the deadline for Government's Response to Defendant's Motion to Dismiss Indictment (ECF 28) and Motion to Suppress (ECF 29), currently set for Thursday, August 26, 2021, be vacated and continued for two weeks, up to and including Thursday, September 9, 2021.

This stipulation is entered into for the following reasons:

1. AUSA Mina Chang has recently been assigned responsibility as second chair in this case. AUSA Chang needs additional time to review the discovery and pleadings in this case

1 so that she can assist in drafting the government's responses to the defendant's pending motion  
2 to dismiss and motion to suppress, (ECF 28 and 29), and assist in any evidentiary hearings that  
3 the Court may order arising therefrom.

4 2. Government counsel needs an additional two weeks, up to and including  
5 Thursday, September 9, 2021, to complete its research, draft, and finalize appropriate responses  
6 to defendant's motions (ECF 28 and 29). Nelson's motions, if granted, would be dispositive of  
7 the matter and the government should be allowed sufficient time to file appropriate responses.

8 3. Nelson is not in custody and does not object to the continuance.

9 4. Trial is set for January 3, 2022 and will not be negatively impacted by this brief  
10 extension of time to file the government's responses.

11 5. The parties agree to the extension of time.

12 6. The requested two-week extension of time will not unduly prejudice the  
13 defendant and is not sought for purposes of mere delay, but to provide the government the  
14 necessary time to file appropriate responses. For the reasons stated above, the ends of justice  
15 would best be served by a continuance of the deadlines.

16 7. Additionally, denial of this request for continuance of the deadlines could result  
17 in a miscarriage of justice.

18 8. This is the second request for a continuance of the deadlines to file the responses  
19 as set forth herein.

20 DATED this 20th day of August, 2021.

21 CHRISTOPHER CHIOU  
22 Acting United States Attorney

23 /s/ Todd M. Leventhal, Esq.  
24 Todd M. Leventhal, Esq.  
Counsel for Defendant Nelson

/s/ Kimberly M. Frayn  
KIMBERLY M. FRAYN  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
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UNITED STATES OF AMERICA,

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Defendant.

Case No: 2:20-cr-00195-APG-EJY

**Findings of Fact, Conclusions  
of Law, and Order**

**FINDINGS OF FACT**

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

This stipulation is entered into for the following reasons:

1. AUSA Mina Chang has recently been assigned responsibility as second chair in this case. AUSA Chang needs additional time to review the discovery and pleadings in this case so that she can assist in drafting the government's responses to the defendant's pending motion to dismiss and motion to suppress, (ECF 28 and 29), and assist in any evidentiary hearings that the Court may order arising therefrom.

2. Government counsel needs an additional two weeks, up to and including Thursday, September 9, 2021, to complete its research, draft, and finalize appropriate responses to defendant's motions (ECF 28 and 29). Nelson's motions, if granted, would be dispositive of the matter and the government should be allowed sufficient time to file appropriate responses.

3. Nelson is not in custody and does not object to the continuance.

4. Trial is set for January 3, 2022 and will not be negatively impacted by this brief

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8 in a miscarriage of justice.

9 8. This is the second request for a continuance of the deadlines to file the responses  
10 as set forth herein.

11 **CONCLUSIONS OF LAW**

12 Based on the parties' stipulation and agreement to allow the government additional time  
13 to file its responses and for good cause shown, the extensions of time is granted.

14 **ORDER**

15 IT IS THEREFORE ORDERED that the deadline for Government's Response to  
16 Defendant's motions, currently scheduled for August 26, 2021, be vacated and continued to  
17 September 9, 2021.

18 DATED this 20th day of August, 2021.

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21 HONORABLE ELAYNA J. YOUCHAH  
22 UNITED STATES MAGISTRATE JUDGE  
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